



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 30 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7015 1730 0000 9218 8954

Mr. Mark Kenyon, Member
Marick Farms, LLC
Kenyon Acres, LLC
Kenyon Cattle, LLC
12860 Turnpike Road
East Meredith, New York 13757

Re: **Administrative Docket No. CWA-02-2016-3018**
Marick Farms, 12860 Turnpike Road, East Meredith, New York
SPDES Permit No. NYA000217
Clean Water Act Information Request and Administrative Compliance Order

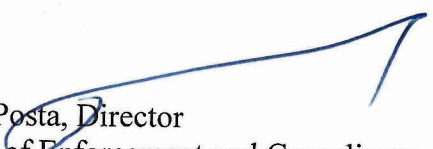
Dear Mr. Kenyon:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that Mark Kenyon, doing business as Marick Farms, LLC, Kenyon Acres, LLC and Kenyon Cattle, LLC ("Respondent") is in violation of the Clean Water Act (33 U.S.C. § 1251 *et seq.*) ("CWA" or "Act") for its failure to comply with the terms and conditions of the State Pollutant Discharge Elimination System ("SPDES") General Permit for Concentrated Animal Feeding Operations ("CAFOs") General Permit No. GP-04-02 ("CAFO General Permit" or "Permit"). Enclosed is an Information Request and Administrative Compliance Order (together the "Order"), Docket No. CWA-02-2016-3018, issued pursuant to Sections 308 and 309 of the CWA, which details the findings.

Please acknowledge receipt of this Order by signing the acknowledgment page and returning the acknowledgment page by mail in the enclosed envelope. Failure to comply with the enclosed Order may subject the Respondent to civil/criminal penalties pursuant to Section 309 of the CWA and subject the Respondent to ineligibility for participation in work associated with Federal contracts, grants or loans.

Also enclosed is the Inspection Report for the inspection of the Facility conducted by the EPA on October 28, 2015. If you have any questions regarding the enclosed Order, please contact Ms. Justine Modigliani, P.E., Chief, Compliance Section, at (212) 637-4268.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Joseph DiMura, P.E, Director, Bureau of Water Compliance Programs, NYSDEC
Erica Cruden, NYSDEC Region 4 (erica.cruden@dec.ny.gov)
William Gallinger, CAFO Planner, (bgallin@twcny.rr.com)

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Mark Kenyon, d/b/a Marick Farms, LLC, Kenyon
Acres, LLC and Kenyon Cattle, LLC
12860 Turnpike Road
East Meredith, New York 13757

Proceeding pursuant to Sections 308(a) and 309(a)
of the Clean Water Act, 33 U.S.C. §§ 1318(a) and
1319(a)

RESPONDENT

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2016-3018

A. STATUTORY AUTHORITY

The following Information Request and Administrative Compliance Order (together the "Order") is issued pursuant to Sections 308(a) and 309(a) of the Clean Water Act ("CWA"), respectively, 33 U.S.C. §§ 1318(a) and 1319(a). These authorities have been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 2 and further delegated to the Director of the Division of Enforcement and Compliance Assistance, EPA Region 2.

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of the EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants, subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation ("NYSDEC") is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). A State Pollutant Discharge Elimination System ("SPDES") permit is required to be issued by the NYSDEC to facilities for the discharge of pollutants from point sources to navigable waters of the United States. The EPA maintains concurrent enforcement authority with authorized States for violations of the CWA and permits issued by authorized States thereunder.
3. The Administrator of EPA has promulgated 40 C.F.R. § 122.23(a), which requires operators to obtain a NPDES permit for discharges or potential discharges associated with Concentrated Animal Feeding Operations. 40 C.F.R. § 122.23 establishes requirements for discharges associated with Concentrated Animal Feeding Operations, including all animals or the production of those animals, regardless of the type of animal.

4. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include any individual, corporation, partnership, association or municipality.
5. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
6. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water.
7. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
8. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), to include the waters of the United States, and "waters of the United States" is defined at 40 C.F.R. 122.2 to include, among other things, waters which are currently used in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide, and all other waters, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce.
9. An "animal feeding operation" or "AFO" is defined by 40 C.F.R. § 122.23(b)(1) as a lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
10. A "concentrated animal feeding operation" or "CAFO" is defined by 40 C.F.R. § 122.23(b)(2) as an AFO that is, *inter alia*, a large CAFO or medium CAFO.
11. A "large CAFO" is defined by 40 C.F.R. § 122.23(b)(4)(vi) as an animal feeding operation that stables or confines as many as or more than 699 mature dairy cows.
12. A "medium CAFO" is defined by 40 C.F.R. § 122.23(b)(6)(i)(F) as an animal feeding operation that stables or confines within the range of 200 to 699 mature dairy cows.
13. "Process wastewater" is defined by 40 C.F.R. § 122.23(b)(7) as water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing or cleaning or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes in contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.
14. "Production area" is defined by 40 C.F.R. § 122.23(b)(8) as that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the

waste containment areas.

15. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, in relevant part, that the Administrator of the EPA may require the owner or operator of any point source to, among other things: establish and maintain such records; make such reports; install, use and maintain such monitoring equipment; sample such effluents; and provide such other information as may reasonably be required to carry out the objectives of the CWA.
16. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), authorizes the Administrator of the EPA to issue an order requiring compliance with the CWA when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, for, among other things, violating any condition or limitation contained in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Director makes the following findings of fact and conclusions of law:

1. Mark Kenyon, doing business as Marick Farms, LLC, Kenyon Acres, LLC and Kenyon Cattle, LLC ("Respondent"), owns and operates Marick Farms, LLC, Kenyon Acres, LLC and Kenyon Cattle, LLC 12860 Turnpike Road in East Meredith, New York (collectively, "Marick Farms" or "Facility") and Respondent is an owner or operator within the meaning of 40 C.F.R. § 122.2.
2. Respondent is a "person," as that term is defined in Sections 502(5) and 502(4) of the CWA, 33 U.S.C. §§ 1362(5) and 1362(4).
3. The Facility confines and feeds or maintains mature dairy cows for a total of forty-five (45) days or more in any twelve-month period, and neither crops, vegetation, forage growth, nor post-harvest residues are sustained in the normal growing season over any portion of the lot or facility. Therefore, the Facility is an AFO as defined by 40 C.F.R. § 122.23(b)(1), and as that phrase is used in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).
4. The Facility confines approximately 325 mature dairy cows on-site. Therefore, the Facility is operating as a medium CAFO as that term is defined in 40 C.F.R. § 122.23(b)(4)(i).
5. Production area runoff, a "pollutant" within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), from the Facility discharges to Kortright Creek which flows into Charlotte Creek and then into the Susquehanna River, a navigable water of the United States. The CAFO is a "point source" within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), and as such, discharges pollutants pursuant to Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
6. On June 18, 1999, the NYSDEC issued SPDES General Permit for CAFOs No. GP-99-01, with an effective date of July 1, 1999, and an expiration date of June 30, 2004.
7. On June 24, 2004, the NYSDEC issued SPDES General Permit for CAFOs No. GP-04-02, with an effective date of July 1, 2004 and an expiration date of June 30, 2009 ("CAFO General Permit" or "Permit"). GP-04-02 has been administratively extended.

8. On December 21, 1999, Marick Farms, LLC applied for coverage and received coverage under the CAFO General Permit with the authorization No. NYA000217. Respondent has been covered as a Medium CAFO under the conditions and limitations in the permit at all relevant times addressed by the Order.
9. The CAFO General Permit authorizes Respondent to discharge pollutants associated with stormwater from Facility to waters of the United States, under the conditions and limitations prescribed in the permit.
10. On October 28, 2015, the EPA conducted an inspection of the Respondent's Facility.
11. According to the 2014 Form 1065 tax records provided by the Respondent, Mark Kenyon is the majority member of Marick Farms, LLC, Kenyon Acres, LLC and Kenyon Cattle, LLC and represented each entity at the time of the inspection. According to the New York Division of Corporations, the entity address for Marick Farms, LLC, Kenyon Acres, LLC and Kenyon Cattle, LLC is 12860 Turnpike Road in East Meredith, New York.
12. Marick Farms, LLC, Kenyon Acres, LLC and Kenyon Cattle, LLC each have a specific financial role at the Facility, however, the operations have common manure handling and application practices, feed sources and storage, mortality management, animals (heifers are eventually moved to the dairy operations) and common property owners and operators. Therefore, the CAFO operations include all three (3) entities, Marick Farms, LLC, Kenyon Acres, LLC and Kenyon Cattle, LLC at the 12860 Turnpike Road in East Meredith, New York location (on the north and south side of Turnpike Road).
13. Based on the inspection findings, the EPA finds that the Respondent has failed to comply with the CWA and the conditions and limitations of the CAFO General Permit, including but not limited to the following:
 - a. Section VIII.C.v of the CAFO General Permit states that animals confined in the animal feeding operation must be prevented from coming into contact with the surface waters of the State. Section I.D of the CAFO General Permit defines animal feeding operation as a lot or facility where animals have been, are, or will be stables or confined, fed or maintained for a total of 45 days or more in any 12-month period, and where the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. At the time of the inspection, EPA inspector McEathron identified three (3) areas of unvegetated pastures, laneways and barnyards where animals have direct access to surface drainage in violation of Section VIII.C.v of the CAFO General Permit, as detailed below:
 - i. South and west of the Dairy Freestall Barn is unvegetated laneway and partially unvegetated pasture where animals have direct access to surface drainage that eventually flows into the Kortright Creek;
 - ii. North of the Heifer Freestall Barn are unvegetated laneways and partially unvegetated pastures where animals have direct access to Kortright Creek; and

- iii. An unvegetated barnyard area immediately west of the Dairy Cow Barn where animals were confined at the time of the inspection and have direct access to surface drainage that eventually flows into Kortright Creek.
- b. Section VIII.C.xi of the CAFO General Permit requires that “[c]ollection, storage, and disposal of liquid and solid waste should be managed in accordance with Natural Resource Conservation Service (“NRCS”) standards.” Specifically, NRCS Conservation Practice Standard No. 312 “Waste Management System” and NRCS Conservation Practice Standard No. 313 “Waste Storage Facility” which specifies general criteria applicable to all waste storage facilities as well as additional criteria for waste storage ponds. Section X.G of the CAFO General Permit requires the permittee to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the Permit. At the time of the inspection, the manure storage structures at the Facility were not being managed, operated or maintained, in accordance with NRCS standards in violation of Section VIII.C.xi of the CAFO General Permit, as follows:
 - i. The Heifer Manure Storage was evaluated by TeamAg on February 9, 2007 but has not been certified as meeting NRCS Conservation Practice Standard 313;
 - ii. The Heifer Manure Storage did not have a written Operation and Maintenance (“O&M”) plan;
 - iii. The Heifer Manure Storage did not have a maximum fill marker; and
 - iv. The Heifer Manure Storage embankments were overgrown with vegetation, including shrubs and woody vegetation.
- c. Section VII.E of the CAFO General Permit requires the permittee to comply with all provisions of the CNMP. Section VII.A of the CAFO General Permit states Comprehensive Nutrient Management Plans (“CNMPs”) are required to be prepared in accordance with “NRCS Conservation Practice Standard No. NY312”. Section VII.C of the NYSDEC CAFO General Permit requires Medium CAFOs to have all CNMP practices fully operational by June 30, 2009. According to the Facility’s 2014 Annual Compliance Report (Appendix D) submitted to the NYSDEC, the CNMP is fully implemented. However, the Annual Compliance Reports are reporting only for the Marick Farms, LLC portion of the Facility and do not incorporate the Heifer Facility manure storage structure and the bunk silos. However, the Facility’s CNMP does incorporate the Heifer Facility manure storage structure and the bunk silos. Therefore, taking into account the entire Facility as part of the CAFO, the CNMP has not been fully implemented, including silage leachate collection and treatment systems associated with the Old and New Bunk Silos and an engineering evaluation of the Heifer Facility manure storage, in violation of Section VII.E of the CAFO General Permit.
- d. Section VII.A of the CAFO General Permit states CNMPs are required to be prepared in accordance with “NRCS Conservation Practice Standard No. NY312”. NY312 states that clean water shall be excluded from concentrated waste areas to the fullest extent practical. At 40 C.F.R. 122.42(e), the Federal CAFO Rule also specifies what a Nutrient Management Plan (“NMP”) must address, at a minimum. Specifically, NMPs should ensure that clean water is diverted, as appropriate, from the production area (see 40

C.F.R. 122.42(e)(iii)). At the time of the inspection, EPA inspector McEathron observed stormwater drainage from an uphill pipe flowing across the unvegetated laneway west of the Heifer Barns where animals access the pastures, in violation of Section VII.A. of the CAFO General Permit.

e. Section IX.F of the CAFO General Permit requires the permittee to retain copies of all records and reports required by this permit for a period of at least 5 years from the date reported. The following required records and reports were not available on-site at the time of the inspection, in violation of Section IX.F of the CAFO General Permit:

- i. Date, amount of manure exported or manure application records from October 2010 through September 2011 and December 2011 through October 2015, as required by Sections VIII.C.xiii and IX.F of the CAFO General Permit; and
- ii. Precipitation events in excess of 0.3 inches from October 2010 through March 2011, as required by Section IX.K of the CAFO General Permit.

14. Based upon Paragraphs 1-13 above, the EPA finds that Respondent has violated Section 301 of the CWA, 33 U.S.C. § 1311, for failing to comply with the conditions and limitations in the CAFO General Permit.

C. REQUESTED INFORMATION

Based on the Findings of Fact and Conclusions of Law, above, and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), Respondent is required to submit the following to EPA, with a copy to NYSDEC:

1. A written response regarding each of the listed Areas of Concern in the enclosed Inspection Report within **sixty (60) calendar days** of receipt of this Order.
2. Written quarterly progress reports summarizing the measures taken to comply with each of the Ordered Provision Items a through i until full compliance with the Order and Permit are achieved. Such reports shall include photographs documenting measures implemented and costs associated with each Item. **Quarterly progress reports are due March 31, 2016, June 30, 2016, September 30, 2016 and December 31, 2016.**

D. ORDERED PROVISIONS

Based upon the foregoing Findings of Fact and Conclusions of Law and pursuant to the authority of Section 309(a) of the CWA, 33 U.S.C. § 1319(a), Respondent is hereby ORDERED to do the following:

1. Immediately upon receipt of this Order, a responsible official of the Respondent shall complete and sign the acknowledgment of receipt and return the acknowledgment page to the Chief, Water Compliance Branch, in the enclosed envelope to the address listed in paragraph E.1, below.

2. Respondent shall complete the following items in accordance with the schedule listed below:

Item	Completion Deadline
a. Submit an updated Notice of Intent to the NYSDEC, with a copy to EPA, for the entire CAFO operations which includes Marick Farms, LLC, Kenyon Acres, LLC and Kenyon Cattle, LLC operations.	Within fifteen (15) calendar days of receipt
b. Update the CNMP to include the Best Management Practices to be implemented for the entire CAFO operations. Submit a copy of the CNMP to EPA and NYSDEC.	Within thirty (30) calendar days of receipt
c. Submit a completed CNMP Certification Form (Appendix B) to NYSDEC, with a copy to EPA, certifying completion of the developed CNMP in full conformance with the requirements of NRCS Conservation Practice Standard NY312.	Within thirty (30) calendar days of receipt
d. Produce and retain copies of all records and reports required by the CAFO General Permit, including but not limited to manure exports, manure applications and precipitation events, for a period of at least five (5) years, as required by Section IX.F of the CAFO General Permit.	Begin implementation immediately and complete within thirty (30) calendar days of receipt
e. Apply manure at application rates at or below manure application recommendations in the CNMP, as required by Section VII.E of the CAFO General Permit.	Within thirty (30) calendar days of receipt
f. Exclude clean water to the fullest extent practical west of the Heifer barns, as required by Section VII.A of the CAFO General Permit.	Within sixty (60) calendar days of receipt
g. Prevent animals from coming into contact with surface drainage, as required by Section VIII.C.v of the CAFO General Permit, including but not limited to the following locations: i. South and west of the Dairy Freestall Barn is unvegetated laneway and partially unvegetated pasture where animals have direct access to surface drainage that eventually flows into the Kortright Creek; ii. North of the Heifer Freestall Barn are unvegetated laneways and partially unvegetated pastures where animals have direct access to Kortright Creek; and iii. An unvegetated barnyard area immediately west of the Dairy Cow Barn where animals were confined at the time of the inspection and have direct access to surface drainage that eventually flows into Kortright Creek.	Begin implementation immediately and complete no later than May 31, 2016

h. Manage, collect and store liquid waste in accordance with NRCS standards as required by Section VIII.C.xi of the CAFO General Permit, including the following: <ul style="list-style-type: none"> i. Install a maximum fill marker at the Heifer Manure Storage; and ii. Maintain vegetation at the Heifer Manure Storage and remove overgrown vegetation, shrubs and woody vegetation. 	September 30, 2016
i. Fully implement the CNMP as required by Section VII.C of the CAFO General Permit, including but not limited to: <ul style="list-style-type: none"> i. Silage leachate collection and treatment systems at the Old Bunk and New Bunk; ii. Heifer Manure Storage structure evaluation, O&M Plan implementation, and certification as meeting NRCS standards. 	December 31, 2016
j. Quarterly Progress Reports – See Item 2 of the Requested Information section of this Order for the specific requirements.	March 31, 2016 June 30, 2016 September 30, 2016 December 31, 2016

E. GENERAL PROVISIONS

1. Any information or documents to be submitted by Respondent as part of this Order shall, pursuant to 40 C.F.R. § 122.22, be sent by certified mail or its equivalent to:

Doughlas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway - 20th floor
New York, New York 10007-1866

Joseph DiMura, P.E., Director
Bureau of Water Compliance Programs
Division of Water, NYSDEC
625 Broadway
Albany, New York 12233-3506

and shall be signed by an authorized representative of Respondent, and shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who


manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

2. Immediately upon receipt of the original copies of this Order, a responsible official of the Respondent shall complete and sign the acknowledgment of receipt, return the acknowledgment page to the Chief, Water Compliance Branch, in the enclosed envelope to the address listed in paragraph E.1.
3. Respondent shall have the opportunity, for a period of twenty (20) days from the effective date of this Order, to confer regarding the Requested Information or Ordered Provisions, with the Agency representative named above, in paragraph E.1.
4. Respondent may seek federal judicial review of the CWA Section 309(a) Administrative Compliance Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. It is an action taken by the EPA to ensure swift compliance with the CWA, and its issuance shall not be deemed an election by the EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
6. Notice is hereby given that failure to provide the information requested in Section C, above, pursuant to CWA Section 308(a), may result in Respondent's liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the CWA, as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court may impose such penalties if, after notice and opportunity for a hearing, the Court determines that Respondent has failed to provide any of the Requested Information. You may also be subject to administrative remedies for failing to comply with the Information Request, as provided by Section 309 of the CWA.
7. Notice is also given that failure to complete the provisions ordered in Section D, above, pursuant to CWA Section 309(a), may result in Respondent's liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court may impose such penalties if, after notice and opportunity for a hearing, the Court determines that Respondent has violated the CWA as described above and failed to comply with the Ordered Provisions. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Administrative Compliance Order.
8. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.

9. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated: DECEMBER 30, 2015

Signed: _____


Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Mark Kenyon, d/b/a Marick Farms, LLC, Kenyon
Acres, LLC and Kenyon Cattle, LLC
12860 Turnpike Road
East Meredith, New York 13757

Proceeding pursuant to Sections 308(a) and 309(a)
of the Clean Water Act, 33 U.S.C. §§ 1318(a) and
1319(a).

RESPONDENT

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2016-3018

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an authorized representative of the Respondent, with
the title of, _____, do hereby acknowledge the receipt of copy of the
ADMINISTRATIVE COMPLIANCE ORDER, CWA-02-2016-3018.

DATE: _____

SIGNED: _____